THE HON'BLE SMT. JUSTICE T. MEENA KUMARI
AND
THE HON'BLE SRI JUSTICE G. CHANDRAIAH

WRIT PETITION No.21096 of 2007

Date 8-10-2007

Between:
M. Chandra Shekar

.....

PETITIONER.
AND

The Government of Andhra Pradesh
Rep. By its Special Chief Secretary,
Finance (W&M) Department, Secretariat,
Hyderabad and others.

.....RESPONDENTS

THE HON'BLE SMT. JUSTICE T. MEENA KUMARI
AND
THE HON'BLE SRI JUSTICE G. CHANDRAIAH

WRIT PETITION No.21096 of 2007

ORDER: (per Smt. T. Meena Kumari,J)

The petitioner filed the present writ petition seeking a Writ of Certiorari to call for the records relating to the order dated 27.9.2007 passed by the Andhra Pradesh Administrative Tribunal, Hyderabad in O.A. Nos.2984 of 2007and 3935 of 2007, as arbitrary and illegal. He also sought for a consequential direction to the respondents to continue the petitioner as Deputy Executive Engineer, Quality Control Sub-Division, Kurnool in the interest of justice and to pass such other order or orders.

The brief facts of the case are that the petitioner herein was working as a Deputy Executive Engineer. While so, through the proceedings bearing No. Rc/ENC/C3/45450-IV/2007-3, dated 30.5.2007, the petitioner was transferred to C.A. Sub-Division, Nandikotkur of Dam Maintenance Circle, N.S.R.S.P. Srisailam Dam East and in his place, the 4th respondent herein was posted. Assailing the same, the petitioner filed O.A No. 2984 of 2007 before the Tribunal; whereas the 4th respondent filed O.A. No. 3935 of 2007. However, through order dated 27.9.2007, the Tribunal dismissed the O.A. filed by the petitioner and allowed the O.A. of the 4th respondent. Aggrieved, the petitioner filed the present writ petition.

Learned counsel for the petitioner would contend that though he is not the senior most in the station, he had been transferred. He further submits that though the petitioner has given three options, the same have not been considered by the respondents and on the other hand the

respondents passed the impugned transfer order with malafides. He further submitted that the Tribunal erred in dismissing the O.A. He, therefore, prayed that the impugned orders be set aside and the writ petition be allowed.

On the other hand, learned Government Pleader for Services-I appearing on behalf of the respondents has supported the impugned orders and submitted that the same does not require any interference at the hands of this court.

Heard the learned counsel for the petitioner and the learned Government Pleader for Services-I.

There is no dispute about the fact that through the proceedings impugned in O.A. No.2984 of 2007, dated 30.5.2007, the petitioner was transferred to Nanidikokur and challenging the said proceedings the petitioner filed the aforementioned O.A. before the Tribunal. Further, when the Tribunal refused to pass any interim orders in the O.A., the petitioner preferred W.P. No.12192 of 2007 before this Court. This Court, while allowing the said writ petition, suspended the order of transfer and directed the Tribunal to dispose of the O.A. itself on merits. The Tribunal having heard the learned counsel for the parties and having perused the material on record, while relying on a decision of the Apex Court in STATE OF U.P. vs. GOBARDHANLAL & OTHERS ([1]) and taking into consideration the guidelines issued under G.O. Ms. No. 100, dated 1.5.2007, through the impugned order, declined to interfere with the transfer order. The Tribunal further found that consequent upon the suspension of the transfer orders, the Engineer-in-Chief issued proceedings dated 12.7.2007 cancelling the earlier order of transfer of petitioner as well as the 4th respondent and posted the 4th respondent at a vacant sub-division of Kurnool. Taking all these aspects into consideration, the Tribunal, dismissed the O.A. through the impugned order. In the circumstances, we do not find any reason to interfere with the said order of the Tribunal impugned in this writ petition.

However, the petitioner is at liberty to make a representation to the

respondents with regard to his transfer. As and when such representation is filed, the respondents shall consider and pass appropriate orders on the same in accordance with the Rules.

The writ petition is accordingly disposed of with the above observation. No costs.

T. MEENA KUMARI,J

DATE: 8th October, 2007

G. CHANDRAIAH,J

pnb

[1] 2004(3) SLR 239